

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| <div>IN RE:</div> <div>MIDWEST RENEWABLE ENERGY<br/>PROJECTS LLC,</div> <div>Petitioner,</div> <div>v.</div> <div>INTERSTATE POWER AND LIGHT<br/>COMPANY,</div> <div>Respondent.</div> | <div>DOCKET NO. AEP-05-1</div> |
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**ORDER DENYING REQUEST FOR EXPEDITED DECISION, DOCKETING  
PROCEEDING, AND ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued January 21, 2005)

On January 12, 2005, Midwest Renewable Energy Projects LLC (Midwest Renewable) filed with the Utilities Board (Board), pursuant to 199 IAC 15.4 and 15.5, a petition to determine specific rates to be paid by Interstate Power and Light Company (IPL) for purchases of qualifying energy and/or capacity for a certain qualifying small power production facility. The petition also asked that the Board order IPL to purchase such energy and/or capacity from the facility pursuant to a long-term agreement that may, but need not, convey to IPL any emission credits, alternate energy credits, or similar tradable certificates.

The issues that Midwest Renewable asks the Board to decide are ones of first impression for the Board. As part of its petition, Midwest Renewable requested that

the Board issue a decision on an expedited basis no later than March 1, 2005. Such a schedule is untenable and does not provide adequate time for discovery, review of prefiled testimony prior to hearing, and post-hearing briefs. Under the timeframe requested by Midwest Renewable, each party would have two weeks or less to prepare prefiled testimony and there would be no time for post-hearing briefs. The request for a schedule that would result in a decision on or before March 1, 2005, is denied.

The Board will docket this matter and identify it as Docket No. AEP-05-1. Docketing is for administrative purposes only and is not intended to limit IPL's or other parties' rights to file a timely answer, motion, or other response. Pursuant to Iowa Code 17A.11(1)"b" (2003) and 199 IAC 7.1(4), the Board will assign this matter to an administrative law judge (ALJ) for further proceedings. In addition to her normal duties, such as issuing a procedural schedule and a proposed decision, the Board will direct the ALJ to convene a telephone conference among the parties, including the Consumer Advocate Division of the Department of Justice, to discuss an expedited procedural schedule that offers sufficient time for any necessary discovery and post-hearing briefs.

**IT IS THEREFORE ORDERED:**

1. The request for decision no later than March 1, 2005, filed by Midwest Renewable Energy Projects LLC as part of its petition filed on January 12, 2005, is denied.

2. This matter is docketed as a formal contested case proceeding, identified as Docket No. AEP-05-1. Pursuant to Iowa Code § 17A.11(1)"b" (2003) and 199 IAC 7.1(4), Docket No. AEP-05-1 is assigned to the Board's administrative law judge, Amy Christensen, to, among other things, consider an expedited procedural schedule, conduct a hearing, and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.1(4)"a" through "j."

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 21<sup>st</sup> day of January, 2005.